IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE BILAL NAZKI**

**And**
**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 20943 of 2004**

Between:

M/s Vuma Holiday Inns Ltd, Rep. by its Managing Director Mr. K. Uma Maheswarudu, Donabanda, Vijayawada.

**..... PETITIONER**

AND

1 The Government of Andhra Pradesh, Rep. by Secretary,
Youth Advancement, Tourism & Culture (T), Secretariat Buildings, Hyderabad.
2 The Director, Tourism Department, Government of A.P. Secretariat Road, Hyderabad.
3 The Commissioner of Commercial Taxes, Government of A.P. Hyderabad.
4 The Commercial Tax Officer, Nandigama Circle, Ibrahimpatnam, - 521 456.
5 The State Level Tourism Promotion Board, Rep. by Secretary, Tourism .
Secretariat Road, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent delaying the grant of eligibility certificate even after the petitioner's unit was found to be eligible for grant of incentives as per G.O.Ms.No. 6 dated 18-12-1998 of Youth Advancement, Tourism & Culture (T) Department, as illegal, arbitrary and without any authority of law and

direct the 2nd respondent to grant the eligibility certificate forthwith to the petitioner's unit, and consequently restrain the 4th respondent from collecting the Sales Tax and Luxury Tax from the petitioner, pending grant of eligibility certificate by the 2nd respondent.

**Counsel for the Petitioner: MR.VARDHINENI KRISHNAMOHAN**

**Counsel for the Respondent Nos. 1,2 and 5: GP FOR TOURISM & CULTURE**

**Counsel for the Respondent Nos. 3 & 4: GP FOR COMMERCIAL TAX**

**The Court, at the stage of admission, made the following:**

(Oral Order: Per: The Hon'ble Mr. Justice Bilal Nazki)

The grievance of the petitioner is that the 2nd respondent is delaying grant of eligibility certificate for the purpose of exemption even after the petitioner's unit was found to be eligible for grant of incentives as per G.O.Ms.No.6 Youth Advancement Tourism and Culture (Tourism) Department dated 18-12-1998. After hearing the learned counsel for the parties and with their consent, we direct that the 2nd respondent shall consider the request of the petitioner and pass appropriate orders, in accordance with law, on the application of the petitioner within a period of four weeks from the date of receipt of a copy of this order; and also communicate the same to the 5th respondent, who may take final decision in the matter, within four weeks thereafter.

The writ petition is accordingly disposed of. No costs.

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BILAL NAZKI, J

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S. ANANDA REDDY, J

Dt. 16-11-2004

Pvks/*

Nb: Furnish c.c. in two days.

B/o pvks/*

To

1 The Secretary, Youth Advancement, Tourism & Culture (T),

Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 The Director, Tourism Department, Government of A.P. Secretariat Road, Hyderabad.
3 The Commissioner of Commercial Taxes, Government of A.P. Hyderabad.
4 The Commercial Tax Officer, Nandigama Circle, Ibrahimpatnam, - 521 456.
5 The Secretary, Tourism, The State Level Tourism Promotion Board, Secretariat Road, Hyderabad.

6.2CCs to the Government Pleader for Tourism & Culture, A.P. High Court Buildings, Hyderabad (OUT).

7. 2 CCs to the Government Pleader for Commercial Taxes, A.P. High Court Buildings, Hyderabad (OUT).

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